

McLeodUSA

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ILLINOIS COMMERCE COMMISSION
ICC Docket No. 00-0596

DIRECT TESTIMONY OF ROD COX

I. Introductions and Qualifications

1. **Q: Please state your name, business affiliation and address.**
A: My name is Rod Cox. I am Senior Manager of Performance and Compliance at McLeodUSA Telecommunications Services, Inc. My business address is 6400 C Street SW PO Box 3177, Cedar Rapids, Iowa 52406-3177.
2. **Q: Please describe your business experience and background.**
A: My professional background includes 27 years in the telecommunications industry. My career started in 1974 as a lineman with Illinois Consolidated Telephone Company (ICTC). Since that time, I held various positions at ICTC and later Consolidated Communications Inc. (CCI) before it merged with McLeodUSA in September of 1997. The majority of my experience has been in operations, including outside plant construction. I have served as a service center supervisor and as a quality facilitator. After CCI merged into McLeodUSA, I was promoted to Senior Manager of ILEC Relations. More recently I was assigned responsibility for ILEC performance and compliance.
3. **Q: Have you previously testified before any regulatory body?**
A: Yes, In Illinois, I presented testimony in several proceedings before this Commission. I also testified in the Public Service Commission of Wisconsin ("Wisconsin PSC") Docket No. 6720-TI-160, which is that

state's omnibus local competition OSS proceeding. Finally, I testified in Minnesota Docket No. P421-M-00-849 in which wholesale quality of service requirements were at issue for Qwest Corporation, the incumbent local exchange company in Minnesota.

4. **Q: Please describe your responsibilities as Senior Manager of Performance and Compliance.**

A: I am responsible for evaluating the Operational Support System (OSS) interfaces between Incumbent Local Exchange Carriers (ILEC) and McLeodUSA. I am also responsible for monitoring ILEC compliance with performance standards that are required to enable McLeodUSA to efficiently provide quality service to our customers.

I have been participating in multiple industry OSS, performance measure, and remedy plan collaborative efforts throughout the United States, including the Regional Bell Oversight Committee's (ROC's) multi state collaborative concerning Qwest 271 testing. In addition, I have been actively engaged in the Illinois, Michigan, Wisconsin, Ohio and Indiana collaboratives relating to service quality, wholesale and retail in the SBC/Ameritech region.

5. **Q: Please briefly explain these "collaborative workshops" to which you refer.**

A: The collaboratives have primarily consisted of a series of meetings between representatives of CLECs, ILEC (usually the Regional Bell Operating Company ("RBOC") and state commission staffs in an attempt to reach an agreement on the identification and operational details of OSS requirements that must be developed and fully tested before a state regulatory agency gives its blessing to the RBOC's

section 271 application. Other workshops have focused on definition and business rules associated with ILEC performance measures and remedies/remedy plans required to facilitate compliance and accountability with those measures and to ensure that CLECs have equal or nondiscriminatory access to ILEC OSS including pre-order, order, maintenance and repair and billing systems. Finally, the service quality related workshops have addressed the development of wholesale and retail service quality standards for local exchange companies and the resulting customer remedies/credits associated to those service quality standards.

II. Purpose of Testimony

6. Q: What is the purpose of your testimony?

A: The purpose of my testimony is address concerns that McLeodUSA has with certain proposed regulations sponsored by the staff in the latest draft of the Part 730 rules. Before doing so, I think it is important to note that we have been able to work through many issues during this workshop process. However, I still believe there are some key concerns that have not been resolved, and therefore, some additional modifications to the staff's latest proposal is warranted.

7. Q: Please identify your first concern.

A: In Section 730.105 Definitions, staff has proposed the following definition:

"Emergency situation" shall mean a single event that causes an interruption of service or installations affecting end users of a local exchange carrier. The emergency situation

shall begin with the first end user whose service is interrupted by the single event, and shall end with the restoration of the service of all affected end users.

Under proposed section 730.535(b)(2)(h), "emergency situations" are to be excluded from the calculation of the interruptions of service. However, if a LEC's system does not permit it to flag an event as related to an emergency situation as set forth in the proposed definition, then it will make it virtually impossible to accurately calculate compliance with the interruption of service benchmark set forth in section 730.535. I think some recognition should be made for LECs that are unable to make this type of distinction in their current systems until adequate opportunity has been provided to allow for system enhancements.

8. Q: Please identify the next concern.

A: Section 730.540(f) should be rewritten to eliminate any confusion that a LEC is entitled to the additional 3 days for installing service using network elements or the network leased from an ILEC. As currently drafted, the additional three days are unstated which might cause unnecessary confusion. McLeodUSA suggests this rule be rewritten to read:

f) An installation that is not performed within the objective set forth in subsection (a) ~~above five (5) business days referred to in subsection (a) above~~ will not be considered a violation of such subsection (a) for the period of delay if the installation is delayed as a result of the following:

I would note that this same type of more general language is used in section 730.740(c).

In addition, McLeodUSA suggests that the exceptions set forth in section 730.740(f) should be expanded to exempt (8) complex orders and (9) orders that are part of a project from this requirement. These types of orders are clearly for something more than basic local service.

9. Q: Please identify your next concern with the proposed rules.

A: Section 730.550(a) entitled "Exchange Isolation" requires a LEC to report service interruptions to the Commission. The draft rule imposes different reporting requirements depending upon whether the outage is "minor" or "major", with the controlling factors being whether (a) the percentage of customers affected (less than 50% = minor; more than 50% = major), and (b) the duration (less than 12 hours = minor; more than 12 hours = major). There will be instances where it will be difficult, if not impossible, for a LEC to know the percentage of customers affected. Certainly, if McLeodUSA experiences a complete outage in its Springfield local switch, it will know that all of its affected customers served off that switch would be impacted by the outage. However, McLeodUSA continues to offer local service to customer via resale and facilities-based services in certain markets (including Springfield). The number of customers served via resale and facilities-based service is a fluid number subject to change on a daily basis. Thus, attempting to calculate a % of customers affected by a particular outage seems like an unwise use of resources when the more important activity is restoring service to those affected customers.

Likewise, until an outage has been subject to some level of

investigation, it will be very difficult for a LEC to know with any degree of certainty whether an outage is expected to exceed 12 hours. Thus, the requirement that a LEC report an outage "immediately" to the staff by telephone may not provide accurate information.

Finally, McLeodUSA is again concerned that it will not be able to timely comply with this provision when it provides service via resale of services purchased from the LEC. Today Ameritech does not give McLeodUSA information about outages that would enable McLeodUSA to then call the staff with information about that outage. Thus, while Ameritech may be able to report what % of its customers are affected by the outage at a tandem switch, McLeodUSA would have no ability to (a) know of the outage in a timely fashion, (b) to know the scope of the outage in terms of affected area, and (c) have basis to know whether the outage is expected to last more than 12 hours.

10. Q: Do you have any other concerns with the proposed section 730 rules?

A: In several instances, a LEC is required to file a report a failure to meet a specific service quality metric within 15 business days from the end of the reporting period. (E.g., section 730.510(a)(2); 730.510(b)(2); 730.510(c); 730.515(a); 730.515(f); and 730.535(b)(3)). I believe a thirty day period for exception reporting is more reasonable. Currently, SBC/Ameritech has until the 20th calendar day following the reporting period to report their wholesale performance results. Considering that SBC/Ameritech has more resources at its disposal to comply with the

reporting compared to the average LEC, McLeodUSA believes that a thirty (30) day requirement is more reasonable.

11. Q: Does that conclude your testimony?

A: Yes.